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ORIGINAL

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION 2010 MAR 24 PM 2:48

DEPUTY CLERK *YMP*

UNITED STATES OF AMERICA

v.

JESSE WILLIAM MCGRAW

NO. 3:09-CR-210-B

MOTION FOR PRODUCTION OF STATEMENTS OF WITNESSES

NOW COMES the Defendant, Jesse William McGraw, appearing Pro Se, and asks for a little latitude of said Honorable Court as pursuant to Estelle v. Gamble. The Defendant moves said Court to order the Government to provide the Defendant with any pre-trial statements made by any potential Government witnesses in this matter which may be admissible at trial or in favor of said Defendant.

AUTHORITY

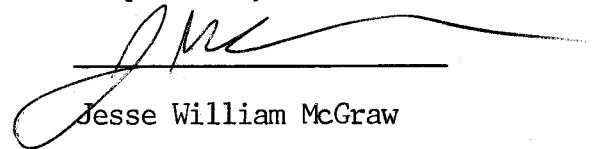
Pursuant to U.S.C.A. § 3500, the Defendant is entitled to Jencks Act statements after the witness has completed his or her testimony on direct examination. Courts have, on a case-by-case basis, invoked their discretion to require production of the Jencks Act statements in advance of the trial so that unnecessary delays will not take place during the course of the trial. See United States v. Percevault, 490 F.2d 126, 132 (2d Cir. 1974). It is particularly appropriate in a case such as this, where the Government has been conducting the investigation for a period of time, for these statements to be available now in order that Defendant's counsel will not be required to incur prejudicial delays while statements are being read and digested.

In that connection, the Defendant requests this Court to enter an Order requiring the Government to deliver to the Defendant at least seven (7) days prior to the date of trial in accordance with United States v. Arboleda, 929 F.2D 858, 864 (1st Cir. 1991), the following:

1. The written statements and/ or writings of all witnesses, including expert witnesses whom the Government intends to call in support of its case in chief.
2. In accordance with the decision of the Supreme Court of the United States in *Goldberg v. United States*, 425 U.S. 94 (1976), the notes and memoranda made by the Government counsel during the interviewing of witnesses, including expert witnesses, whom the Government intends to call in support of its case in chief.
3. Production of all grand jury testimony of witnesses, including expert witnesses, whom the government intends to call at the time of trial.
4. Memoranda of any oral statements which have been given by witnesses, including expert witnesses whom the Government intends to call at the time of trial.

Because the courts have consistantly recognized taht in the management of trials, material under 18 U.S.C.A. § 3500(a), should be turned over to the defense prior to trial, the Defendant asks this COurt to invoke this sensible and liberal construction to 18 U.S.C.A. § 3500, to insure that the Defendant receives a fair trial and to provide judicial economy.

Respectfully submitted,



Jesse William McGraw

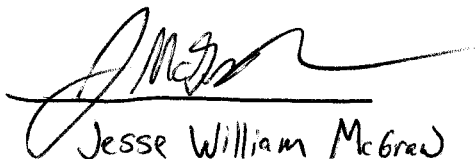
Reg# 38690-177

FDC, P.O. box 9000

Seagoville, Tx 75159

VERIFICATION

I, Jesse William McGraw, pursuant to 28 U.S.C. § 1746 hereby declare under penalty of perjury, under the Laws of the United States of America, that the foregoing is True and correct, to the best of my knowledge and belief.

  
Jesse William McGraw  
38690-177